THE HON'BLE SRI JUSTICE E. DHARMA RAO

W.P.No. 17965 of 2005

The petitioners in this writ petition seek a declaration that the action of the 1st respondent in not passing any order on the stay petition filed by the petitioners in Appeal No. 9020/2004, dated 15-12-2004 and for a consequential direction to respondents 1 and 2 to delete the names of respondents 3 to 9 in respect of the lands to an extent of Ac.15-19 guntas in Sy.Nos. 12,13, 266,271 and 281 of Pamena Village, Chevella Mandal, Rangareddy District by restoring the names of the petitioners or their fore-fathers in the revenue records including pahanies for issuance of patta pass books in favour of the petitioners in respect of the said lands.

The petitioners submit that their grand father and his brothers as a joint family were in occupation and possession of the land in Sy.Nos. 12, 13, 266, 271 and 281 to an extent of Ac.15-19 guntas and the same was declared by their grand father before the Land Reforms Tribunal and to that effect the then Additional Revenue Divisional Officer, Land Reforms Tribunal, Hyderabad issued proceedings dated 2-11-1976. According to the petitioners the said lands are dry lands and were cultivated only in rainy season. Due to the drought situation the lands are not under cultivation and as such the petitioners could not pay the land revenue. The petitioners further submit that respondents 3 to 9 claiming to be the members of the petitioners' family by managing the revenue officials got included their names in the revenue records in the place of their fathers and themselves and the authorities without following any procedure contemplated and any notice issued to the petitioners. After verification of Pahani for the year 1995-96 the petitioners came to know that the names of respondents 3 to 9 have been recorded as pattadar vide RDR No.28/95. Taking advantage of the entries made in revenue records, the petitioners submit, respondents 3 to 9 are trying to sell the said lands to the third parties. Therefore the petitioners filed an appeal U/s 9 of the A.P. Record of

Rights in Land Act, 1971 (for short the "Act") before the 1st respondent seeking correction of records in respect of the lands in question and pending the appeal sought for stay of all further proceedings including alienation or transfer by respondents 3 to 9 in favour of third parties.

The main grievance of the petitioner is that though the appeal and stay petition is filed as long back as on 15-12-2004, no steps are taken so far by the 1st respondent to dispose of the same.

The learned counsel for the petitioners submits that the 1st respondent ought to have seen that the action of the 2nd respondent in entering the names of respondents 3 to 9 in respect of the lands in question in revenue records in the place of the petitioners without following due process of law as contemplated under the Act. Further the 2nd respondent has not given any notice before making such entries and therefore such action is against the principles of natural justice.

Be that as it may, since the appeal and stay petition are pending consideration before the 1st respondent, in my opinion, it is not desirable to go into the merits of the case. Therefore, considering the facts and circumstances of the case, I deem it just and reasonable to direct the 1st respondent to consider and dispose of either the appeal or stay petition after giving an opportunity of being heard both the parties and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. Till such time the parties shall maintain *status quo* obtaining as on today.

The writ petition is accordingly disposed of. No costs.

16th August, 2005

BJ/

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH: AT HYDERABAD.

The Hon'ble Sri Justice E. Dharma Rao

W.P.No. 17965 of 2005

Dated: 16th August, 2005

Between:

Vadla Ramaiah & Ors. …Petitioners

And

The Joint Collector, R.R.Dist. & Ors. …Respondents.